

Attorney Docket No.: 47004.000115
Application No. 09/985,900

REMARKS

Claims 1-47 are pending in the application. By this Amendment, claims 1, and 21-41 are amended and claims 42-47 are added.

Reconsideration and allowance in view of the foregoing amendments and following remarks are respectfully requested. Claims have been added to recite further features of the claimed invention. No new matter has been added by this Amendment. In particular, support for claims 45-47 may be found in the application on page 5, line 16 to page 7, line 11; and on page 12, line 14 to page 14, line 4, for example.

The October 13, 2005 Interview

An Examiner Interview was conducted on October 13, 2005 with Examiner Stefano Karmis and Examiner Hani Kazimi. Applicant and Applicant's representative thank the Examiners for the courtesies that were extended at the Interview.

In the Interview, the history of the invention and various features of the invention were discussed. Further, the claimed invention vis-à-vis the applied art was discussed. Further details of the discussions in the Interview are set forth below.

I. The Double Patenting Rejection

In the Office Action, claims 1, 21 and 41 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 49 and 51 of copending Application No. 10/175,031.

The Office Action asserts that although the conflicting claims are not identical, they are not patentably distinct from each other because they recite means or steps that are substantially the same and that would have been obvious to one of ordinary skill in the art. The Office Action asserts that in reference to instant claim 1, this claim recites inputting first information regarding

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at least one payment source; and second information regarding at least one payment account; and a processor, the processor selectably directing a transmission of funds from the at least one payment source to the at least one payee account based on an optimization determination. The Office Action further recites that claim 1 of the '031 Application recites a processor that determines the payment mechanism based on a payment source, a payment account and an optimization determination.

The Office Action goes on to assert the instant claim 1 does not include all the limitations of claim 1 of the '031 Application; and that the instant claim 1 does not include information regarding a data input portion that inputs information regarding a payment request, a decision reference data store for storing information regarding parameters for determining a payment mechanism, and a processor, which is in communication with both the data input portion and the decision reference data store. regarding the detail of the equipment for enabling and disabling. The Office Action further asserts that claims 21 and 41 contain similar limitations as that of claim 1 and thus follow similar reasoning.

As noted in the Office Action, a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 C.F.R. 1.130(b).

Applicant herewith submits a Terminal Disclaimer. Accordingly, it is respectfully submitted that the obviousness-type double patenting rejection is overcome. Withdrawal of the rejection is respectfully requested.

II. The 35 U.S.C. §101 Rejection

In the Office Action, claims 21-40 are rejected under 35 U.S.C. 101 as non-statutory.

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The Office Action asserts that the method claims as presented do not claim a technological basis in the preamble or the body of the claim; and that without a claimed basis, the claim may be interpreted in an alternative as involving no more than a manipulation of an abstract idea and therefore non-statutory under 35 U.S.C. 101. The Office Action further asserts that in contrast, a method claim that includes in the body of the claim structural / functional interrelationship which can only be computer implemented is considered to have a technological basis (See Ex parte Bowman, 61 USPQ2d 1669, 1671 (Bd. Pat. App. & Inter. 2001)). The Office Action reflects that a suggested amendment to the preamble would be "a computer implemented method for managing transactions" or something similar.

Claims 21-40 are amended based on the Examiner's suggestion set forth in the Office Action. Accordingly, it is respectfully submitted that the rejection under 35 U.S.C. §101 is overcome. Withdrawal of the rejection is respectfully requested.

III. The 35 U.S.C. §103 Rejection Based on Dent and Boesch

In the Office Action, claims 1-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dent et al (hereinafter Dent) U.S. Patent 6,128,603 in view of Boesch et al. (hereinafter Boesch) U.S. Patent 6,205,433. This rejection is respectfully traversed.

The Office Action asserts that regarding independent claims 1, 21 and 41, Dent teaches a system for managing transactions comprising a first interface for communicating first information regarding at least one payment source (column 7, lines 3-25); a second interface for communicating second information regarding at least one payee account (column 7, lines 26-33 and column 7, lines 56 thru column 8, line 2 and Figure 4 and Figure 5); a processor, communicating with the first interface and the second interface, the processor selectably recommending a transmission of funds from the at least one payment source to the at least one

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payee account based on an optimization determination (column 5, line 53 thru column 6, line 8 and Figure 2 and column 9, lines 27-31 and column 10, lines 1-14).

The Office Action further asserts that Dent teaches that the optimization provides a recommendation to the customer to manage cash flows. The Office Action reflects that Dent fails to teach that the processor directs the transmission of funds.

On page 6, the Office Action asserts that Boesch teaches a system and method for multi-currency transactions in which an optimization may be performed to determine whether it is advantageous for customer user to pay in one customer currency over another (column 11, lines 33-36). The Office Action further asserts that Boesch further teaches that the customer computer is programmed to choose the currency conversion method that optimizes the transaction without reducing the options available to the customer user (column 11, lines 37-62).

The Office Action concludes that it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Dent and include the optimization teachings of Boesch because it provides a way to minimize cost and optimize cash flows without limiting the user's transaction options. These assertions are respectfully traversed.

Claim 1 recites a system for managing a transmission of funds, comprising a first interface for communicating first information regarding at least one payment source; a second interface for communicating second information regarding at least one payee account; and a processor, communicating with the first interface and the second interface, the processor selectably directing the transmission of funds from the at least one payment source to the at least one payee account based on an optimization determination. Claim 1 further recites the optimization determination determining a payment mechanism to use to transfer the funds from the at least one payment source to the at least one payee account, wherein the at least one

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payment source is determined prior to performing the optimization determination. The applied art fails to teach or suggest such features.

Dent is directed to a system and method for managing and paying electronic billing statements. In the Abstract, Dent teaches a consumer-based bill management and payment system is configured to receive, analyze, manage and pay electronic billing statements received from the biller over the Internet. The system includes a notification manager that detects when the electronic bill arrives and notifies the consumer. The bill is stored in memory with other unpaid electronic bills. Dent teaches the system has a cashflow analyzer that enables the consumer to coordinate the unpaid electronic bills according to different payment schedules for a bill payment cycle (e.g., a month). The goal of the manipulation is to permit the consumer to analyze how the different payment schedules affect the consumer's cashflow with an aim toward minimizing overdraft during the bill payment cycle.

Applicant submits that the distinction between Dent and claim 1 is crystallized in column 10, lines 15-17 of Dent. Therein, Dent teaches that after the consumer has analyzed the unpaid bills and decided on a payment schedule, the consumer can pay specific bills as prescribed by the schedule. When paying a bill, the consumer displays the bill on the display and analyzes the individual bill using the payment analyzer 56. Accordingly, Dent teaches that the consumer is deciding on the payment schedule, and paying specific bills. Such is different than the invention of claim 1, as acknowledged in the Office Action. That is the Office Action attempts to cure the deficiencies of Dent using the teachings of Boesch.

Applicant submits that Boesch fails to cure the deficiencies of Dent so as to fairly suggest the claimed invention under 35 U.S.C. §103. Boesch is directed to a system and method for multi-currency transactions between a customer and a merchant over a network. Boesch teaches

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that a server approves a particular transaction if a converted amount in the second currency is within a risk range of a product price in a second currency in accordance with current exchange rates. Boesch describes once the transaction is approved, the approving entity may settle the transaction at its discretion thereby bearing the risk associated with currency exchange.

The Office Action refers in particular to the teachings of Boesch in column 11 i.e., see the Office Action page 6 lines 5-11. Column 11 of Boesch describes an embodiment in which the currency is selected by the customer user. That is, in column 10, lines 52 - 66, Boesch teaches that variations (on embodiments) provide that the currency used in the first currency may be selected by customer user 203 (or server 100) from a plurality of currencies, referred to as "customer currencies." Boesch further teaches the currency used in the merchant accepted currency may be selected by customer user 203 from a plurality of currencies, referred to herein as "merchant currencies."

Boesch reflects a customer user 203 may have access to amounts in a plurality of customer currencies. For example, a customer user 203 may have *accounts* containing amounts in U.S. dollars, French francs, and Japanese yen. Customer user 203 can purchase products using amounts from any of these accounts (emphasis added).

Applicant acknowledges that Boesch teaches optimization regarding selection of currency. That is, in column 11, lines 32-66, Boesch teaches an optimization feature is preferably executed by customer computer 200 to determine whether it is advantageous for customer user 203 to pay in one customer currency over another. More specifically, Boesch teaches that customer computer 200 determines the agreed price in the merchant accepted currency corresponding to the amount in each of the plurality of customer currencies. For example, assume merchant user 303 will receive a price in currency C for the product and

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customer user 203 has two customer currencies A and B available to pay merchant user 303.

Customer computer 200 determines amounts in currencies A and B which equate to the product price in currency C. These amounts may be compared by converting them to a reference currency of the customer computer 200's choice. Boesch teaches that customer user 203 can choose (or customer computer 200 can be programmed to choose) to pay the agreed price in the currency (A or B) which corresponds to the lesser amount in the reference currency. The amount in the chosen currency represents the amount in the first currency and is referred herein as the "selected currency." Boesch teaches that according to another variation to the optimization feature, customer computer 200 can also determine whether it is less expensive to first convert currency A into currency B, and then to convert currency B into currency C. In any case, customer user 203 pays using the optimal payment currency.

At column 11, line 63, Boesch teaches server 100 can execute an optimization feature. In this case, server 100 may include the plurality of customer currencies available to customer user 203. For example, data indicating the plurality of customer currencies may be transmitted in the first set of data from customer computer 200 to server 100 in lieu of the amount in the first currency. Server 100 determines the agreed amount in the second currency for each of the plurality of customer currencies. Server 100 then chooses an amount in one of the customer currencies corresponding to the amount in the merchant accepted currency which is the least when converted to the reference currency. The amount in the chosen currency represents the amount in the first currency.

Applicant submits that the above disclosure of Boesch fails to teach or suggest the features as recited in claim 1. As is clearly reflected, the above teachings of Boesch relate to what currency to utilize in effecting the transaction. As disclosed by Boesch, a customer user

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203 may have access to amounts in a plurality of customer currencies. Boesch teaches for example, a customer user 203 may have accounts containing amounts in U.S. dollars, French francs, and Japanese yen; and that a customer user 203 can purchase products using amounts from any of these accounts.

However, claim 1 relates to optimization of the directing the transmission of funds. Further, claim 1 recites wherein the at least one payment source is determined prior to performing the optimization determination. Applicant submits that the language of claim 1 reflects a clear distinction between the recited optimization of the directing the transmission of funds vis-à-vis the recited "at least one payment source". However, in conjunction with the features recited in claim 1, the "payment source" may also be selected in some suitable manner. For example, the payment source (which may be in any of a variety of forms) may be determined from a second optimization process and/ or may be selected by the payment request initiator in some suitable manner. Such features are set forth in claims 45-47, and are supported in the application on page 5, line 16 to page 7, line 11; and on page 12, line 14 to page 14, line 4, for example.

Applicant submits that the basis of the asserted rejection is further rendered vague and unsupportable. That is, the Office Action asserts that Dent teaches that the Dent optimization provides a recommendation to the customer to manage cash flows, but that Dent fails to teach that the processor directs the transmission of funds. The Office Action further reflects that Boesch teaches a system and method for multi-currency transactions in which an optimization may be performed to determine whether it is advantageous for customer user to pay in one customer currency over another; and that Boesch further teaches that the customer computer is programmed to choose the currency conversion method that optimizes the transaction without

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~~reducing the options available to the customer user.~~ The Office Action concludes that it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Dent and include the optimization teachings of Boesch because it provides a way to minimize cost and optimize cash flows without limiting the user's transaction options.

In view of such assertions, the Examiner is requested to clarify which teaching is being looked to - to allegedly disclose the optimization of present claim 1, i.e., the asserted optimization of Dent or Boesch. The rejection is further rendered vague in that the rejection of dependent claim 14, for example, (as well as others) appears to rely on the optimization processing of Dent. Applicant submits that the Office Action is attempting to somehow combine respective optimization processes (both of which are different than the claimed invention) to somehow teach the claimed invention.

Applicant respectfully submits that Boesch, either alone or in combination with Dent, fails to teach or suggest each and every feature as recited in claim 1. It is respectfully submitted that claim 1 is allowable at least for the reasons set forth above. Further, independent claims 21 and 41 recite patentable subject matter at least for reasons similar to those set forth above with respect to claim 1.

The dependent claims recite patentable subject matter based on their dependencies on the respective independent claims, as well as for the additional features such dependent claims recite.

For example, claim 14 recites the system of claim 13, wherein the optimization comprises minimizing a cost variable, and the cost variable comprises at least one of a transaction cost charged to a payment initiator and an internal cost absorbed by a payment enabler. The Office

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Action appears to refer to portions of Dent in asserting that the applied art teaches such claimed features.

That is, the Office Action (on page 8) asserts (regarding claims 14 and 34) that the optimization comprises minimizing a cost variable, and the cost variable comprises at least one of a transaction cost charged to a payment initiator and an internal cost absorbed by a payment enabler (column 9, lines 38-60 and column 10, lines 1- 14). However, Applicant notes that such cites appear to be to the Dent patent. However, from the rejection of claim 1, it appears that the Office Action is using the optimization processing of Boesch to correct the deficiencies of Dent, i.e., so as to allegedly teach the claimed invention.

As a result, the rejection of claim 14 is unclear as to how the Office Action is alleging the applied art teaches the claimed invention. It appears that the Office Action is using Dent's teachings to somehow modify Boesch's teachings (which in turn are asserted to modify Dent). Applicant submits that such circular combination is well beyond what would have been obvious to the one of ordinary skill, and reflects an inappropriate picking and choosing from the applied art. Withdrawal of the rejection is respectfully requested.

IV. Conclusion

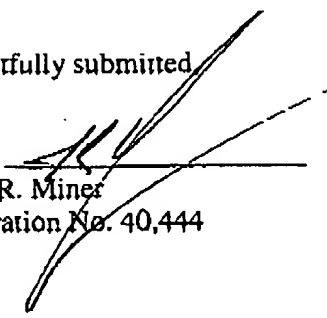
For at least the reasons outlined above, Applicant respectfully asserts that the application is in condition for allowance. Favorable reconsideration and allowance of the claims are respectfully solicited.

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It is believed that no fee is due in connection with this filing. However, if it is
determined otherwise, the Commissioner is hereby authorized to charge our Deposit Account
No. 50-0206.

Respectfully submitted

Date: November 14, 2005

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ATTACHED: TERMINAL DISCLAIMER

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